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the service in which they propose to operate. The number of channels assigned will depend upon the specific requirements of the developmental program and the number of frequencies available in the particular geographical area where the station is to operate.

§ 90.511 Interference.

The operation of any station engaged in developmental work shall not cause harmful interference to the operation of stations regularly licensed under any part of the Commission's rules.

§ 90.513 Special provisions.

(a) The developmental program as described by the application for authorization shall be followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules in this chapter and the rules in this part, the Commission may specify additional requirements or conditions as deemed necessary in the public interest, convenience, or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 90.515 Change or cancellation of authorization without hearing.

Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

§ 90.517 Report of operation.

A report on the results of a developmental program shall be filed with and made a part of each application for renewal of authorization. In cases where no renewal is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters

which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information, and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on:

- (a) The final objective.
- (b) Results of operation to date.
- (c) Analysis of the results obtained.
- (d) Copies of any published reports.
- (e) Need for continuation of the program.
- (f) Number of hours of operation on each frequency.

This report is not required if the sole reason for the developmental authorization is that the frequency of operation is restricted to developmental use only.

Subpart R—Regulations Governing the Licensing and Use of Frequencies in the 763–775 and 793–805 MHz Bands

SOURCE: 63 FR 58651, Nov. 2, 1998, unless otherwise noted.

§ 90.521 Scope.

This subpart sets forth the regulations governing the licensing and operations of all systems operating in the 763–775 MHz and 793–805 MHz frequency bands. It includes eligibility, operational, planning and licensing requirements and technical standards for stations licensed in these bands. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern with respect to licensing and operation in these frequency bands.

[63 FR 58651, Nov. 2, 1998, as amended at 72 FR 48860, Aug. 24, 2007]

§ 90.523 Eligibility.

This section implements the definition of public safety services contained in 47 U.S.C. 337(f)(1). The following are eligible to hold Commission authorizations for systems operating in the 763–775 MHz and 793–805 MHz frequency bands:

(a) *State or local government entities.* Any territory, possession, state, city, county, town, or similar State or local governmental entity is eligible to hold authorizations in the 764–776 MHz and 794–806 MHz frequency bands.

(b) *Nongovernmental organizations.* A nongovernmental organization (NGO) that provides services, the sole or principal purpose of which is to protect the safety of life, health, or property, is eligible to hold an authorization for a system operating in the 764–776 MHz and 794–806 MHz frequency bands for transmission or reception of communications essential to providing such services if (and only for so long as) the NGO applicant/licensee:

(1) Has the ongoing support (to operate such system) of a state or local governmental entity whose mission is the oversight of or provision of services, the sole or principal purpose of which is to protect the safety of life, health, or property;

(2) Operates such authorized system solely for transmission of communication essential to providing services the sole or principal purpose of which is to protect the safety of life, health, or property; and

(3) All applications submitted by NGOs must be accompanied by a new, written certification of support (for the NGO applicant to operate the applied-for system) by the state or local governmental entity referenced in paragraph (b)(1) of this section.

(c) *All NGO authorizations are conditional.* NGOs assume all risks associated with operating under conditional authority. Authorizations issued to NGOs to operate systems in the 764–776 MHz and 794–806 MHz frequency bands include the following condition: If at any time the supporting governmental entity (see paragraph (b)(1)) notifies the Commission in writing of such governmental entity's termination of its authorization of a NGO's operation of a system in the 764–776 MHz and 794–806 MHz frequency bands, the NGO's application shall be dismissed automatically or, if authorized by the Commission, the NGO's authorization shall terminate automatically.

(d) Paragraphs (a) and (b) notwithstanding, no entity is eligible to hold an authorization for a system oper-

ating in the 764–776 MHz and 794–806 MHz frequency bands on the basis of services, the sole or principal purpose of which is to protect the safety of life, health or property, that such entity makes commercially available to the public.

(e) The minimum eligibility requirements for the Public Safety Broadband Licensee in the 763–768 MHz and 793–798 MHz bands are as follows:

(1) No commercial interest may be held in the Public Safety Broadband Licensee, and no commercial interest may participate in the management of the Public Safety Broadband Licensee;

(2) The Public Safety Broadband Licensee must be a non-profit organization;

(3) The Public Safety Broadband Licensee must be as broadly representative of the public safety radio user community as possible; and

(4) The Public Safety Broadband Licensee must be in receipt of written certifications from no less than ten geographically diverse state and local governmental entities (the authorizing entities), with at least one certification from a state government entity and one from a local government entity, verifying that—

(i) They have authorized the Public Safety Broadband Licensee to use spectrum at 763–768 MHz and 793–798 MHz to provide the authorizing entities with public safety services; and

(ii) The authorizing entities' primary mission is the provision of public safety services.

[63 FR 58651, Nov. 2, 1998, as amended at 65 FR 53645, Sept. 5, 2000; 72 FR 48860, Aug. 24, 2007]

§ 90.525 Administration of interoperability channels.

(a) States are responsible for administration of the Interoperability channels in the 769–775 MHz and 799–805 MHz frequency bands. Base and control stations must be licensed individually. A public safety entity meeting the requirements of § 90.523 may operate mobile or portable units on the Interoperability channels in the 769–775 MHz and 799–805 MHz frequency bands without a specific authorization from the Commission provided it holds a part 90 license. All persons operating mobile or

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portable units under this authority are responsible for compliance with part 90 of these rules and other applicable federal laws.

(b) License applications for Interoperability channels in the 769–775 MHz and 799–805 MHz frequency bands must be approved by a state-level agency or organization responsible for administering state emergency communications. States may hold the licenses for Interoperability channels or approve other qualified entities to hold such licenses. States may delegate the approval process for interoperability channels to another entity, such as regional planning committees.

[72 FR 48860, Aug. 24, 2007]

§ 90.527 Regional plan requirements.

Each regional planning committee must submit a regional plan for approval by the Commission.

(a) *Common elements.* Regional plans must incorporate the following common elements:

(1) Identification of the document as the regional plan for the defined region with the names, business addresses, business telephone numbers, and organizational affiliations of the chairpersons and all members of the planning committee.

(2) A summary of the major elements of the plan and an explanation of how all eligible entities within the region were given an opportunity to participate in the planning process and to have their positions heard and considered fairly.

(3) A general description of how the spectrum would be allotted among the various eligible users within the region with an explanation of how the requirements of all eligible entities within the region were considered and, to the degree possible, met.

(4) An explanation as to how needs were assigned priorities in areas where not all eligible entities could receive licenses.

(5) An explanation of how the plan had been coordinated with adjacent regions.

(6) A detailed description of how the plan put the spectrum to the best possible use by requiring system design with minimum coverage areas, by assigning frequencies so that maximum

frequency reuse and offset channel use may be made, by using trunking, and by requiring small entities with minimal requirements to join together in using a single system where possible.

(7) A detailed description of the future planning process, including, but not limited to, amendment process, meeting announcements, data base maintenance, and dispute resolution.

(8) A certification by the regional planning chairperson that all planning committee meetings, including subcommittee or executive committee meetings, were open to the public.

(b) *Modification of regional plans.* Regional plans may be modified by submitting a written request, signed by the regional planning committee, to the Chief, Wireless Telecommunications Bureau. The request must contain the full text of the modification, and must certify that successful coordination of the modification with all adjacent regions has occurred and that all such regions concur with the modification.

§ 90.528 Public safety broadband license.

(a) The 763–768/793–798 MHz bands are allocated on a nationwide basis for public safety broadband operations and licensed to a single Public Safety Broadband Licensee. The 768–769/798–799 MHz bands also are licensed to the Public Safety Broadband Licensees as guard bands. The license area of the Public Safety Broadband License consists of the contiguous 48 states, Alaska, Hawaii, Gulf of Mexico, and the U.S. territories.

(b) The Public Safety Broadband License authorizes construction and operation of base stations anywhere within the area authorized by the license, except as follows:

(1) A station is required to be individually licensed if:

(i) International agreements require coordination;

(ii) Submission of an environmental assessment is required under § 1.1307 of this chapter; or

(iii) The station would affect areas identified in § 1.924 of this chapter.

(2) Any antenna structure that requires notification to the Federal Aviation Administration (FAA) must be

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registered with the Commission prior to construction under §17.4 of this chapter.

(c) Mobile and portable devices may operate without individual license under the authority of the Public Safety Broadband License.

(d) The term of the Public Safety Broadband License shall not exceed ten years from June 13, 2009. The Public Safety Broadband Licensee is entitled to a renewal expectancy barring violations of law, rules or policy warranting denial of renewal.

(e) The Public Safety Broadband License may not be partitioned or disaggregated.

(f) The Public Safety Broadband Licensee may not voluntarily assign or transfer control of the Public Safety Broadband License.

(g) *Quarterly reporting of financial and operational information.* The Public Safety Broadband Licensee shall submit, on a quarterly basis, a full financial accounting to the Commission, in a format to be set forth in the Network Sharing Agreement, and as approved by the Commission. Such quarterly financial reports shall be filed with the Commission, with a copy to the Chiefs of the Wireless Telecommunications and the Public Safety and Homeland Security Bureaus.

[72 FR 48860, Aug. 24, 2007, as amended at 74 FR 8879, Feb. 27, 2009]

§ 90.529 State License.

(a) Narrowband channels designated as state channels in §90.531 are licensed to each state (as defined in §90.7) as follows:

(1) Each state that chooses to take advantage of the spectrum designated as state channels must file an application for up to 2.4 megahertz of this spectrum no later than December 31, 2001. For purposes of this section, the elected chief executive (Governor) of each state, or his or her designee, shall be deemed the person authorized to apply for the State License.

(2) What ever part of this 2.4 megahertz that a state has not applied for by December 31, 2001, will revert to General Use and be administered by the relevant RPC (or RPCs in the instances of states that encompass multiple RPCs).

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(b) Each state license will be granted subject to the condition that the state certifies on or before each applicable benchmark date that it is:

(1) providing or prepared to provide “substantial service” to one-third of their population or territory by January 1, 2012, *i.e.*, within five years of the date that incumbent broadcasters are required to relocate to other portions of the spectrum;

(2) providing or prepared to provide “substantial service” to two-thirds of their population or territory by January 1, 2017, *i.e.*, within ten years of the date that incumbent broadcasters are required to relocate to other portions of the spectrum.

(c) The Commission will deem a state “prepared to provide substantial service” if the licensee certifies that a radio system has been approved and funded for implementation by the deadline date. “Substantial service” refers to the construction and operation of 700 MHz facilities by public safety entities providing service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal.

(d) If a state licensee fails to meet any condition of the grant the state license is modified automatically to the frequencies and geographic areas where the state certifies that it is providing substantial service.

(e) Any recovered state license spectrum will revert to General Use. However, spectrum licensed to a state under a state license remains unavailable for reassignment to other applicants until the Commission’s database reflects the parameters of the modified state license.

[65 FR 66654, Nov. 7, 2000]

§ 90.531 Band plan.

This section sets forth the band plan for the 763–775 MHz and 793–805 MHz public safety bands.

(a) *Base and mobile use.* The 763–775 MHz band may be used for base, mobile or fixed (repeater) transmissions. The 793–805 MHz band may be used only for mobile or fixed (control) transmissions.

(b) *Narrowband segments.* There are two band segments that are designated for use with narrowband emissions. Each of these narrowband segments is

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divided into 960 channels having a channel size of 6.25 kHz as follows:

Frequency range	Channel Nos.
769–775 MHz	1–960
799–805 MHz	961–1920

(1) *Narrowband interoperability channels.* The following narrowband channels are designated for nationwide interoperability licensing and use: 23, 24, 39, 40, 63, 64, 79, 80, 103, 104, 119, 120, 143, 144, 159, 160, 183, 184, 199, 200, 223, 224, 239, 240, 263, 264, 279, 280, 303, 304, 319, 320, 641, 642, 657, 658, 681, 682, 697, 698, 721, 722, 737, 738, 761, 762, 777, 778, 801, 802, 817, 818, 841, 842, 857, 858, 881, 882, 897, 898, 921, 922, 937, 938, 983, 984, 999, 1000, 1023, 1024, 1039, 1040, 1063, 1064, 1079, 1080, 1103, 1104, 1119, 1120, 1143, 1144, 1159, 1160, 1183, 1184, 1199, 1200, 1223, 1224, 1239, 1240, 1263, 1264, 1279, 1280, 1601, 1602, 1617, 1618, 1641, 1642, 1657, 1658, 1681, 1682, 1697, 1698, 1721, 1722, 1737, 1738, 1761, 1762, 1777, 1778, 1801, 1802, 1817, 1818, 1841, 1842, 1857, 1858, 1881, 1882, 1897, 1898.

(i) *Narrowband data Interoperability channels.* The following channel pairs are reserved nationwide for the express purpose of data transmission only: 279/1239, 280/1240, 921/1881, and 922/1882.

(ii) *Narrowband calling Interoperability channels.* The following channel pairs are dedicated nationwide for the express purpose of *Interoperability* calling only: 39/999, 40/1000, 681/1641, and 682/1642. They may not be used primarily for routine, day-to-day communications. Encryption is prohibited on the designated calling channels.

(iii) *Narrowband trunking Interoperability channels.* The following Interoperability channel pairs may be combined with the appropriate adjacent secondary trunking channel pairs and used in trunked mode on a secondary basis to conventional Interoperability operations: 23/983, 24/984, 103/1063, 104/1064, 183/1143, 184/1144, 263/1223, 264/1224, 657/1617, 658/1618, 737/1697, 738/1698, 817/1777, 818/1778, 897/1857, 898/1858. For every ten general use channels trunked at a station, entities may obtain a license to operate in the trunked mode on two of the above contiguous Interoperability channel pairs. The maximum number of Interoperability channel pairs that can be trunked at any one location is eight.

(2) *Narrowband reserve channels.* The following narrowband channels are undesignated and reserved: 37, 38, 61, 62, 77, 78, 117, 118, 141, 142, 157, 158, 197, 198, 221, 222, 237, 238, 277, 278, 301, 302, 317, 318, 643, 644, 683, 684, 699, 700, 723, 724, 763, 764, 779, 780, 803, 804, 843, 844, 859, 860, 883, 884, 923, 924, 939, 940, 997, 998, 1021, 1022, 1037, 1038, 1077, 1078, 1101, 1102, 1117, 1118, 1157, 1158, 1181, 1182, 1197, 1198, 1237, 1238, 1261, 1262, 1277, 1278, 1603, 1604, 1643, 1644, 1659, 1660, 1683, 1684, 1723, 1724, 1739, 1740, 1763, 1764, 1803, 1804, 1819, 1820, 1843, 1844, 1883, 1884, 1899, 1900.

(3) *Narrowband low power channels subject to regional planning.* The following narrowband channels are designated for low power use for on-scene incident response purposes using mobiles and portables subject to Commission-approved regional planning committee regional plans. Transmitter power must not exceed 2 watts (ERP): Channels 1–8 paired with Channels 961–968, and Channels 949–958 paired with Channels 1909–1918.

(4) *Narrowband low power itinerant channels.* The following narrowband channels are designated for low power use for on-scene incident response purposes using mobiles and portables. These channels are licensed nationwide for itinerant operation. Transmitter power must not exceed 2 watts (ERP): Channels 9–12 paired with Channels 969–972 and Channels 959–960 paired with Channels 1919–1920.

(5) *Narrowband state channels.* The following narrowband channels are designated for direct licensing to each state (including U.S. territories, districts, and possessions): 25–36, 65–76, 105–116, 145–156, 185–196, 225–236, 265–276, 305–316, 645–656, 685–696, 725–736, 765–776, 805–816, 845–856, 885–896, 925–936, 985–996, 1025–1036, 1065–1076, 1105–1116, 1145–1156, 1185–1196, 1225–1236, 1265–1276, 1605–1616, 1645–1656, 1685–1696, 1725–1736, 1765–1776, 1805–1816, 1845–1856, 1885–1896. Voice operations on these channels are subject to compliance with the spectrum usage efficiency requirements set forth in §90.535(d).

(6) *Narrowband general use channels.* All narrowband channels established in paragraph (b) of this section, other than those listed in paragraphs (b)(1), (b)(2), (b)(4) and (b)(5) of this section

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are designated to public safety eligibles subject to Commission approved regional planning committee regional plans. Voice operations on these channels are subject to compliance with the spectrum usage efficiency requirements set forth in § 90.535(d).

(7) *Secondary trunking channels.* The following channel pairs are reserved for secondary trunking operations: 21/981, 22/982, 101/1061, 102/1062, 181/1141, 182/1142, 261/1221, 262/1222, 659/1619, 660/1620, 739/1699, 740/1700, 819/1779, 820/1780, 899/1859, and 900/1860. They may be used only in combination with the appropriate adjacent Interoperability channel pairs specified in paragraph (b)(1)(iii) of this section in trunked systems.

(c) [Reserved]

(d) *Combining channels.* Except as noted in this section, at the discretion of the appropriate regional planning committee, contiguous channels may be used in combination in order to accommodate requirements for larger bandwidth emissions, in accordance with this paragraph. Interoperability channels may not be combined with channels in another group except for channels for secondary trunking channels.

(1) *Narrowband.* Subject to compliance with the spectrum usage efficiency requirements set forth in § 90.535, two or four contiguous narrowband (6.25 kHz) channels may be used in combination as 12.5 kHz or 25 kHz channels, respectively. The lower (in frequency) channel for two channel combinations must be an odd (*i.e.*, 1, 3, 5 * * *) numbered channel. The lowest (in frequency) channel for four channel combinations must be a channel whose number is equal to $1+(4xn)$, where n = any integer between 0 and 479, inclusive (*e.g.*, channel number 1, 5, * * * 1917). Channel combinations are designated by the lowest and highest channel numbers separated by a hyphen, *e.g.*, “1–2” for a two channel combination and “1–4” for a four channel combination.

(2) [Reserved]

(e) *Channel pairing.* In general, channels must be planned and assigned in base/mobile pairs that are separated by 30 MHz. However, until December 31, 2006, channels other than those listed in paragraphs (b)(1) and (c)(1), may be

planned and assigned in base/mobile pairs having a different separation, where necessary because 30 MHz base/mobile pairing is precluded by the presence of one or more co-channel or adjacent channel TV/DTV broadcast stations.

(f) *Internal guard band.* The internal guard band (768–769/798–799 MHz) is reserved.

(g) *Broadband.* The 763–768 MHz and 793–798 MHz bands are allocated for broadband communications pursuant to the Public Safety Broadband License.

[63 FR 58651, Nov. 2, 1998, as amended at 65 FR 66654, Nov. 7, 2000; 66 FR 10635, 10636, Feb. 16, 2001; 67 FR 61005, Sept. 27, 2002; 67 FR 76700, Dec. 13, 2002; 72 FR 48860, Aug. 24, 2007]

§ 90.533 Transmitting sites near the U.S./Canada or U.S./Mexico border.

This section applies to each license to operate one or more public safety transmitters in the 763–775 MHz and 793–805 MHz bands, at a location or locations North of Line A (*see* § 90.7) or within 120 kilometers (75 miles) of the U.S.-Mexico border, until such time as agreements between the government of the United States and the government of Canada or the government of the United States and the government of Mexico, as applicable, become effective governing border area non-broadcast use of these bands. Public safety licenses are granted subject to the following conditions:

(a) Public safety transmitters operating in the 763–775 MHz and 793–805 MHz bands must conform to the limitations on interference to Canadian television stations contained in agreement(s) between the United States and Canada for use of television channels in the border area.

(b) Public safety facilities must accept any interference that may be caused by operations of UHF television broadcast transmitters in Canada and Mexico.

(c) Conditions may be added during the term of the license, if required by the terms of international agreements between the government of the United States and the government of Canada or the government of the United States and the government of Mexico, as applicable, regarding non-broadcast use

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of the 763–775 MHz and 793–805 MHz bands.

[43 FR 54791, Nov. 22, 1978, as amended at 67 FR 76700, Dec. 13, 2002; 72 FR 48861, Aug. 24, 2007]

§ 90.535 Modulation and spectrum usage efficiency requirements.

Transmitters designed to operate in 769–775 MHz and 799–805 MHz frequency bands must meet the following modulation standards:

(a) All transmitters in the 769–775 MHz and 799–805 MHz frequency bands must use digital modulation. Mobile and portable transmitters may have analog modulation capability only as a secondary mode in addition to its primary digital mode. Mobile and portable transmitters that only operate on the low power channels designated in §§ 90.531(b)(3), 90.531(b)(4), are exempt from this digital modulation requirement.

(b) Transmitters designed to operate in the narrowband segment using digital modulation must be capable of maintaining a minimum data (non-voice) rate of 4.8 kbps per 6.25 kHz of bandwidth.

(c) Transmitters designed to operate in the wideband segment using digital modulation must be capable of maintaining a minimum data (non-voice) rate of 384 kbps per 150 kHz of bandwidth.

(d) The following provisions apply to licensees operating in the channels designated in § 90.531(b)(5) or § 90.531(b)(6).

(1) With the exception of licensees designated in paragraph (d)(2) of this section, after December 31, 2014, licensees may only operate in voice mode in these channels at a voice efficiency of at least one voice path per 6.25 kHz of spectrum bandwidth.

(2) Licensees authorized to operate systems in the voice mode on these channels from applications filed on or before December 31, 2014, may continue operating in voice mode on these channels (including modification applications of such licenses granted after December 31, 2014, for expansion or maintenance of such systems) at a voice efficiency of at least one voice path per 12.5 kHz of spectrum bandwidth until December 31, 2016.

(3) The licensees designated in paragraph (d)(2) of this section must, no later than January 31, 2017, file a declaration through the Universal Licensing System that they are operating these channels at a voice efficiency of at least one voice path per 6.25 kHz of spectrum bandwidth.

[63 FR 58651, Nov. 2, 1998, as amended at 65 FR 53645, Sept. 5, 2000; 65 FR 66655, Nov. 7, 2000; 67 FR 76701, Dec. 13, 2002; 70 FR 21673, Apr. 27, 2005; 72 FR 48861, Aug. 24, 2007]

§ 90.537 Trunking requirement.

(a) *General use channels.* All systems using six or more narrowband channels in the 769–775 MHz and 799–805 MHz frequency bands must be trunked systems, except for those described in paragraph (b) of this section.

(b) *Interoperability channels.* Trunking is permitted only on Interoperability channels specified in § 90.531(b)(1)(iii). Trunked use must be strictly on a secondary, non-interference basis to conventional operations. The licensee must monitor and immediately release these channels when they are needed for interoperability purposes.

[66 FR 10636, Feb. 16, 2001, as amended at 72 FR 48861, Aug. 24, 2007]

§ 90.539 Frequency stability.

Transmitters designed to operate in 769–775 MHz and 799–805 MHz frequency bands must meet the frequency stability requirements in this section.

(a) Mobile, portable and control transmitters must normally use automatic frequency control (AFC) to lock on to the base station signal.

(b) The frequency stability of base transmitters operating in the narrowband segment must be 100 parts per billion or better.

(c) The frequency stability of mobile, portable, and control transmitters operating in the narrowband segment must be 400 parts per billion or better when AFC is locked to the base station. When AFC is not locked to the base station, the frequency stability must be at least 1.0 ppm for 6.25 kHz, 1.5 ppm for 12.5 kHz (2 channel aggregate), and 2.5 ppm for 25 kHz (4 channel aggregate).

(d) The frequency stability of base transmitters operating in the wideband

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segment must be 1 part per million or better.

(e) The frequency stability of mobile, portable and control transmitters operating in the wideband segment must be 1.25 parts per million or better when AFC is locked to a base station, and 5 parts per million or better when AFC is not locked.

[63 FR 58651, Nov. 2, 1998, as amended at 65 FR 53646, Sept. 5, 2000; 72 FR 48861, Aug. 24, 2007]

§ 90.541 Transmitting power limits.

The transmitting power of base, mobile, portable and control stations operating in the 769–775 MHz and 799–805 MHz frequency bands must not exceed the maximum limits in this section, and must also comply with any applicable effective radiated power limits in § 90.545.

(a) The transmitting power of base transmitters must not exceed the limits given in paragraphs (a), (b) and (c) of § 90.635.

(b) The transmitter output power of mobile and control transmitters must not exceed 30 Watts.

(c) The transmitter output power of portable (hand-held) transmitters must not exceed 3 Watts.

(d) Transmitters operating on the narrowband low power channels listed in §§ 90.531(b)(3), 90.531(b)(4), must not exceed 2 watts (ERP).

[63 FR 58651, Nov. 2, 1998, as amended at 65 FR 66655, Nov. 7, 2000; 72 FR 48861, Aug. 24, 2007]

§ 90.542 Broadband transmitting power limits.

(a) The following power limits apply to the 763–768/793–798 MHz band:

(1) Fixed and base stations transmitting a signal in the 763–768 MHz band with an emission bandwidth of 1 MHz or less must not exceed an ERP of 1000 watts and an antenna height of 305 m HAAT, except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 1000 watts ERP in accordance with Table 1 of this section.

(2) Fixed and base stations located in a county with population density of 100 or fewer persons per square mile, based upon the most recently available population statistics from the Bureau of the

Census, and transmitting a signal in the 763–768 MHz band with an emission bandwidth of 1 MHz or less must not exceed an ERP of 2000 watts and an antenna height of 305 m HAAT, except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 2000 watts ERP in accordance with Table 2 of this section.

(3) Fixed and base stations transmitting a signal in the 763–768 MHz band with an emission bandwidth greater than 1 MHz must not exceed an ERP of 1000 watts/MHz and an antenna height of 305 m HAAT, except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 1000 watts/MHz ERP in accordance with Table 3 of this section.

(4) Fixed and base stations located in a county with population density of 100 or fewer persons per square mile, based upon the most recently available population statistics from the Bureau of the Census, and transmitting a signal in the 763–768 MHz band with an emission bandwidth greater than 1 MHz must not exceed an ERP of 2000 watts/MHz and an antenna height of 305 m HAAT, except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 2000 watts/MHz ERP in accordance with Table 4 of this section.

(5) Licensees of fixed or base stations transmitting a signal in the 763–768 MHz band at an ERP greater than 1000 watts must comply with the provisions set forth in paragraph (b) of this section.

(6) Control stations and mobile stations transmitting in the 763–768 MHz band and the 793–798 MHz band are limited to 30 watts ERP.

(7) Portable stations (hand-held devices) transmitting in the 763–768 MHz band and the 793–798 MHz band are limited to 3 watts ERP.

(8) For transmissions in the 763–768 MHz and 793–798 MHz bands, licensees may employ equipment operating in compliance with either of the following measurement techniques:

(i) The maximum composite transmit power shall be measured over any interval of continuous transmission using instrumentation calibrated in terms of RMS-equivalent voltage. The measurement results shall be properly

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adjusted for any instrument limitations, such as detector response times, limited resolution bandwidth capability when compared to the emission bandwidth, etc., so as to obtain a true maximum composite measurement for the emission in question over the full bandwidth of the channel.

(ii) A Commission-approved average power technique.

TABLE 1 TO § 90.542(A)—PERMISSIBLE POWER AND ANTENNA HEIGHTS FOR BASE AND FIXED STATIONS IN THE 763–768 MHz BAND TRANSMITTING A SIGNAL WITH AN EMISSION BANDWIDTH OF 1 MHz OR LESS

Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) (watts)
Above 1372 (4500)	65
Above 1220 (4000) To 1372 (4500)	70
Above 1067 (3500) To 1220 (4000)	75
Above 915 (3000) To 1067 (3500)	100
Above 763 (2500) To 915 (3000)	140
Above 610 (2000) To 763 (2500)	200
Above 458 (1500) To 610 (2000)	350
Above 305 (1000) To 458 (1500)	600
Up to 305 (1000)	1000

TABLE 2 TO § 90.542(A)—PERMISSIBLE POWER AND ANTENNA HEIGHTS FOR BASE AND FIXED STATIONS IN THE 763–768 MHz BAND TRANSMITTING A SIGNAL WITH AN EMISSION BANDWIDTH OF 1 MHz OR LESS

Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) (watts)
Above 1372 (4500)	130
Above 1220 (4000) To 1372 (4500)	140
Above 1067 (3500) To 1220 (4000)	150
Above 915 (3000) To 1067 (3500)	200
Above 763 (2500) To 915 (3000)	280
Above 610 (2000) To 763 (2500)	400
Above 458 (1500) To 610 (2000)	700
Above 305 (1000) To 458 (1500)	1200
Up to 305 (1000)	2000

TABLE 3 TO § 90.542(A)—PERMISSIBLE POWER AND ANTENNA HEIGHTS FOR BASE AND FIXED STATIONS IN THE 763–768 MHz BAND TRANSMITTING A SIGNAL WITH AN EMISSION BANDWIDTH GREATER THAN 1 MHz

Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) per MHz (watts/MHz)
Above 1372 (4500)	65
Above 1220 (4000) To 1372 (4500)	70
Above 1067 (3500) To 1220 (4000)	75
Above 915 (3000) To 1067 (3500)	100
Above 763 (2500) To 915 (3000)	140

TABLE 3 TO § 90.542(A)—PERMISSIBLE POWER AND ANTENNA HEIGHTS FOR BASE AND FIXED STATIONS IN THE 763–768 MHz BAND TRANSMITTING A SIGNAL WITH AN EMISSION BANDWIDTH GREATER THAN 1 MHz—Continued

Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) per MHz (watts/MHz)
Above 610 (2000) To 763 (2500)	200
Above 458 (1500) To 610 (2000)	350
Above 305 (1000) To 458 (1500)	600
Up to 305 (1000)	1000

TABLE 4 TO § 90.542(A)—PERMISSIBLE POWER AND ANTENNA HEIGHTS FOR BASE AND FIXED STATIONS IN THE 763–768 MHz BAND TRANSMITTING A SIGNAL WITH AN EMISSION BANDWIDTH GREATER THAN 1 MHz

Antenna height (AAT) in meters (feet)	Effective radiated power (ERP) per MHz (watts/MHz)
Above 1372 (4500)	130
Above 1220 (4000) To 1372 (4500)	140
Above 1067 (3500) To 1220 (4000)	150
Above 915 (3000) To 1067 (3500)	200
Above 763 (2500) To 915 (3000)	280
Above 610 (2000) To 763 (2500)	400
Above 458 (1500) To 610 (2000)	700
Above 305 (1000) To 458 (1500)	1200
Up to 305 (1000)	2000

(b) For base and fixed stations operating in the 763–768 MHz band in accordance with the provisions of paragraph (a)(5) of this section, the power flux density that would be produced by such stations through a combination of antenna height and vertical gain pattern must not exceed 3000 microwatts per square meter on the ground over the area extending to 1 km from the base of the antenna mounting structure.

[72 FR 48861, Aug. 24, 2007]

§ 90.543 Emission limitations.

Transmitters designed to operate in 769–775 MHz and 799–805 MHz frequency bands must meet the emission limitations in paragraphs (a) through (d) of this section. Transmitters operating in 763–768 MHz and 793–798 MHz bands must meet the emission limitations in (e) of this section.

(a) The adjacent channel power (ACP) requirements for transmitters designed for various channel sizes are shown in

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the following tables. Mobile station requirements apply to handheld, car mounted and control station units. The tables specify a value for the ACP as a function of the displacement from the channel center frequency and measurement bandwidth. In the following tables, “(s)” indicates a swept measurement may be used.

6.25 KHz MOBILE TRANSMITTER ACP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACP relative (dBc)
6.25	6.25	−40
12.5	6.25	−60
18.75	6.25	−60
25.00	6.25	−65
37.50	25.00	−65
62.50	25.00	−65
87.50	25.00	−65
150.00	100.00	−65
250.00	100.00	−65
350.00	100.00	−65
>400 kHz to 12 MHz	30 (s)	−75
12 MHz to paired receive band	30 (s)	−75
In the paired receive band	30 (s)	−100

12.5 KHz MOBILE TRANSMITTER ACP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACP relative (dBc)
9.375	6.25	−40
15.625	6.25	−60
21.875	6.25	−60
37.50	25.00	−60
62.50	25.00	−65
87.50	25.00	−65
150.00	100	−65
250.00	100	−65
350.00	100	−65
>400 kHz to 12 MHz	30 (s)	−75
12 MHz to paired receive band	30 (s)	−75
In the paired receive band	30 (s)	−100

25 KHz MOBILE TRANSMITTER ACP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACP relative (dBc)
15.625	6.25	−40
21.875	6.25	−60
37.50	25	−60
62.50	25	−65
87.50	25	−65
150.00	100	−65
250.00	100	−65
350.00	100	−65
>400 kHz to 12 MHz	30 (s)	−75
12 MHz to paired receive band	30 (s)	−75
In the paired receive band	30 (s)	−100

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6.25 KHz BASE TRANSMITTER ACP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACP (dBc)
6.25	6.25	−40
12.50	6.25	−60
18.75	6.25	−60
25.00	6.25	−65
37.50	25	−65
62.50	25	−65
87.50	25	−65
150.00	100	−65
250.00	100	−65
350.00	100	−65
>400 to 12 MHz	30 (s)	−80
12 MHz to paired receive band	30 (s)	−80
In the paired receive band	30 (s)	−100

12.5 KHz BASE TRANSMITTER ACP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACP (dBc)
9.375	6.25	−40
15.625	6.25	−60
21.875	6.25	−60
37.5	25	−60
62.5	25	−65
87.5	25	−65
150	100	−65
250	100	−65
350.00	100	−65
>400 kHz to 12 MHz	30 (s)	−80
12 MHz to paired receive band	30 (s)	−80
In the paired receive band	30 (s)	−100

25 KHz BASE TRANSMITTER ACP REQUIREMENTS

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACP (dBc)
15.625	6.25	−40
21.875	6.25	−60
37.5	25	−60
62.5	25	−65
87.5	25	−65
150	100	−65
250	100	−65
350	100.00	−65
>400 kHz to 12 MHz	30 (s)	−80
12 MHz to paired receive band	30 (s)	−80
In the paired receive band	30 (s)	−100

(b) *ACP measurement procedure.* The following are the procedures for making the transmitter ACP measurements. For all measurements modulate the transmitter as it would be modulated in normal operating conditions. For time division multiple access (TDMA) systems, the measurements are to be made under TDMA operation

only during time slots when the transmitter is active. All measurements are made at the transmitter's output port. If a transmitter has an integral antenna, a suitable power coupling device shall be used to couple the RF signal to the measurement instrument. The coupling device shall substantially maintain the proper transmitter load impedance. The ACP measurements may be made with a spectrum analyzer capable of making direct ACP measurements. "Measurement bandwidth", as used for non-swept measurements, implies an instrument that measures the power in many narrow bandwidths equal to the nominal resolution bandwidth and integrates these powers to determine the total power in the specified measurement bandwidth.

(1) *Setting reference level.* Set transmitter to maximum output power. Using a spectrum analyzer capable of ACP measurements, set the measurement bandwidth to the channel size. For example, for a 6.25 kHz transmitter set the measurement bandwidth to 6.25 kHz. Set the frequency offset of the measurement bandwidth to zero and adjust the center frequency of the instrument to the assigned center frequency to measure the average power level of the transmitter. Record this power level in dBm as the "reference power level."

(2) *Non-swept power measurement.* Using a spectrum analyzer capable of ACP measurements, set the measurement bandwidth and frequency offset from the assigned center frequency as shown in the tables in § 90.543 (a) above. Any value of resolution bandwidth may be used as long as it does not exceed 2 percent of the specified measurement bandwidth. Measure the power level in dBm. These measurements should be made at maximum power. Calculate ACP by subtracting the reference power level measured in (b)(1) from the measurements made in this step. The absolute value of the calculated ACP must be greater than or equal to the absolute value of the ACP given in the table for each condition above.

(3) *Swept power measurement.* Set a spectrum analyzer to 30 kHz resolution bandwidth, 1 MHz video bandwidth and average, sample, or RMS detection. Set

the reference level of the spectrum analyzer to the RMS value of the transmitter power. Sweep above and below the carrier frequency to the limits defined in the tables. Calculate ACP by subtracting the reference power level measured in (b)(1) from the measurements made in this step. The absolute value of the calculated ACP must be greater than or equal to the absolute value of the ACP given in the table for each condition above.

(c) *Out-of-band emission limit.* On any frequency outside of the frequency ranges covered by the ACP tables in this section, the power of any emission must be reduced below the mean output power (P) by at least $43 + 10\log(P)$ dB measured in a 100 kHz bandwidth for frequencies less than 1 GHz, and in a 1 MHz bandwidth for frequencies greater than 1 GHz.

(d) *Authorized bandwidth.* Provided that the ACP requirements of this section are met, applicants may request any authorized bandwidth that does not exceed the channel size.

(e) For operations in the 763–768 MHz and the 793–798 MHz bands, the power of any emission outside the licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) within the licensed band(s) of operation, measured in watts, in accordance with the following:

(1) On all frequencies between 769–775 MHz and 799–805 MHz, by a factor not less than $76 + 10\log(P)$ dB in a 6.25 kHz band segment, for base and fixed stations.

(2) On all frequencies between 769–775 MHz and 799–805 MHz, by a factor not less than $65 + 10\log(P)$ dB in a 6.25 kHz band segment, for mobile and portable stations.

(3) Compliance with the provisions of paragraphs (e)(1) and (2) of this section is based on the use of measurement instrumentation such that the reading taken with any resolution bandwidth setting should be adjusted to indicate spectral energy in a 6.25 kHz segment.

(f) For operations in the 763–775 MHz and 793–805 MHz bands, all emissions including harmonics in the band 1559–1610 MHz shall be limited to -70 dBW/MHz equivalent isotropically radiated power (EIRP) for wideband signals, and -80 dBW EIRP for discrete emissions of

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less than 700 Hz bandwidth. For the purpose of equipment authorization, a transmitter shall be tested with an antenna that is representative of the type that will be used with the equipment in normal operation.

(g) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than specified in this section.

[70 FR 21666, Apr. 27, 2005, as amended at 72 FR 48862, Aug. 24, 2007]

§ 90.545 TV/DTV interference protection criteria.

Public safety base, control, and mobile transmitters in the 769–775 MHz and 799–805 MHz frequency bands must be operated only in accordance with the rules in this section, to reduce the potential for interference to public reception of the signals of existing TV and DTV broadcast stations transmitting on TV Channels 62, 63, 64, 65, 67, 68 or 69.

(a) *D/U ratios.* Licensees of public safety stations must choose site locations that are a sufficient distance from co-channel and adjacent channel TV and DTV stations, and/or must use reduced transmitting power or transmitting antenna height such that the following minimum desired signal to undesired signal ratios (D/U ratios) are met:

(1) The minimum D/U ratio for co-channel stations is 40 dB at the hypothetical Grade B contour (64 dBμV/m) (88.5 kilometers or 55.0 miles) of the TV station or 17 dB at the equivalent Grade B contour (41 dBμV/m) (88.5 kilometers or 55.0 miles) of the DTV station.

(2) The minimum D/U ratio for adjacent channel stations is 0 dB at the hypothetical Grade B contour (64 dBμV/m) (88.5 kilometers or 55.0 miles) of the TV

station or –23 dB at the equivalent Grade B contour (41 dBμV/m) (88.5 kilometers or 55.0 miles) of the DTV station.

(b) *Maximum ERP and HAAT.* The maximum effective radiated power (ERP) and the antenna height above average terrain (HAAT) of the proposed land mobile base station, the associated control station, and the mobile transmitters shall be determined using the methods described in this section.

(1) Each base station is limited to a maximum ERP of 1000 watts.

(2) Each control station is limited to a maximum ERP of 200 watts and a maximum HAAT of 61 m. (200 ft).

(3) Each mobile station is limited to a maximum ERP of 30 watts and a maximum antenna height of 6.1 m. (20 ft.).

(4) Each portable (handheld) transmitter is limited to a maximum ERP of 3 watts.

(5) All transmitters are subject to the power reductions given in Figure B of § 90.309 of this chapter, for antenna heights higher than 152 meters (500 ft).

(c) *Methods.* The methods used to calculate TV contours and antenna heights above average terrain are given in §§ 73.683 and 73.684 of this chapter. Tables to determine the necessary minimum distance from the public safety station to the TV/DTV station, assuming that the TV/DTV station has a hypothetical or equivalent Grade B contour of 88.5 kilometers (55.0 miles), are located in § 90.309 and labeled as Tables B, D, and E. Values between those given in the tables may be determined by linear interpolation. The locations of existing and proposed TV/DTV stations during the transition period are given in part 73 of this chapter and in the final proceedings of MM Docket No. 87–268. The DTV allotments are:

State	City	NTSC TV Ch.	DTV Ch.	ERP (kW)	HAAT (m)
California	Stockton	64	62	63.5	874
California	Los Angeles	11	65	688.7	896
California	Riverside	62	68	180.1	723
California	Concord	42	63	61.0	856
Pennsylvania	Allentown	39	62	50.0	302
Pennsylvania	Philadelphia	6	64	1000.0	332
Pennsylvania	Philadelphia	10	67	791.8	354
Puerto Rico	Aguada	50	62	50.0	343
Puerto Rico	Mayaguez	16	63	50.0	347
Puerto Rico	Naranjito	64	65	50.0	142

State	City	NTSC TV Ch.	DTV Ch.	ERP (kW)	HAAT (m)
Puerto Rico	Aguadilla	12	69	691.8	665

The transition period is scheduled to end on December 31, 2006. After that time, unless otherwise directed by the Commission, public safety stations will no longer be required to protect reception of co-channel or adjacent channel TV/DTV stations.

(1) Licensees of stations operating within the ERP and HAAT limits of paragraph (b) must select one of three methods to meet the TV/DTV protection requirements, subject to Commission approval:

(i) utilize the geographic separation specified in the tables referenced below;

(ii) Submit an engineering study justifying the proposed separations based on the parameters of the land mobile station and the parameters, including authorized and/or applied for facilities, of the TV/DTV station(s) it is trying to protect; or,

(iii) obtain written concurrence from the applicable TV/DTV station(s). If this method is chosen, a copy of the agreement must be submitted with the application.

(2) The following is the method for geographic separations.

(i) Base stations having an antenna height (HAAT) less than 152 m. (500 ft.) shall afford protection to co-channel and adjacent channel TV/DTV stations in accordance with the values specified in Table B (co-channel frequencies based on 40 dB protection) and Table E (adjacent channel frequencies based on 0 dB protection) in §90.309 of this part. For base stations having an antenna height (HAAT) between 152-914 meters (500-3,000 ft.) the effective radiated power must be reduced below 1 kilowatt in accordance with the values shown in the power reduction graph in Figure B in §90.309 of this part. For heights of more than 152 m. (500 ft.) above average terrain, the distance to the radio path horizon will be calculated assuming smooth earth. If the distance so determined equals or exceeds the distance to the hypothetical or equivalent Grade B contour of a co-channel TV/DTV station (*i.e.*, it ex-

ceeds the distance from the appropriate Table in §90.309 to the relevant TV/DTV station) an authorization will not be granted unless it can be shown in an engineering study (method 2) that actual terrain considerations are such as to provide the desired protection at the actual Grade B contour (64 dBμV/m for TV and 41 dBμV/m for DTV stations), or that the effective radiated power will be further reduced so that, assuming free space attenuation, the desired protection at the actual Grade B contour (64 dBμV/m for TV and 41 dBμV/m coverage contour for DTV stations) will be achieved. Directions for calculating powers, heights, and reduction curves are listed in §90.309 for land mobile stations. Directions for calculating coverage contours are listed in §§73.683-685 for TV stations and in §73.625 for DTV stations.

(ii) Control and mobile stations (including portables) are limited in height and power and therefore shall afford protection to co-channel and adjacent channel TV/DTV stations in accordance with the values specified in Table D (co-channel frequencies based on 40 dB protection) in §90.309 of this part and a minimum distance of 8 kilometers (5 miles) from all adjacent channel TV/DTV station hypothetical or equivalent Grade B contours (adjacent channel frequencies based on 0 dB protection for TV stations and—23 dB for DTV stations). Since control and mobile stations may affect different TV/DTV stations than the associated base station, particular care must be taken by applicants to ensure that all the appropriate TV/DTV stations are considered (*e.g.*, a base station may be operating on TV Channel 64 and the mobiles on TV Channel 69, in which case TV Channels 63, 64, 65, 68, and 69 must be protected). Since mobiles and portables are able to move and communicate with each other, licensees or coordinators must determine the areas where the mobiles can and cannot roam in order to protect the TV/DTV

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stations, and advise the mobile operators of these areas and their restrictions.

(iii) In order to protect certain TV/DTV stations and to ensure protection from these stations which may have extremely large contours due to unusual height situations, an additional distance factor must be used by all public safety base, control and mobile stations. For all co-channel and adjacent channel TV/DTV stations which have an HAAT between 350 and 600 meters, public safety stations must add the following DISTANCE FACTOR to the value obtained from the referenced Tables in § 90.309 and to the distance for control and mobile stations on adjacent TV/DTV channels (96.5 km).

DISTANCE FACTOR = (TV/DTV HAAT–350) + 14 in kilometers, where HAAT is the TV or DTV station antenna height above average terrain obtained from its authorized or proposed facilities, whichever is greater.

(iv) For all co-channel and adjacent channel TV/DTV stations which have an antenna height above average terrain greater than 600 meters, public safety stations must add 18 kilometers as the DISTANCE FACTOR to the value obtained from the referenced Tables in § 90.309 and to the distance for control and mobile stations on adjacent TV/DTV channels (96.5 km).

NOTE TO § 90.545: The 88.5 km (55.0 mi) Grade B service contour (64 dBuV/m) is based on a hypothetical TV station operating at an effective radiated power of one megawatt, a transmitting antenna height above average terrain of 610 meters (2000 feet) and the Commission's R-6602 F(50,50) curves. See § 73.699 of this chapter. Maximum facilities for TV stations operating in the UHF band are 5 megawatts effective radiated power at an antenna HAAT of 610 meters (2,000 feet). See § 73.614 of this chapter. The equivalent contour for DTV stations is based on a 41 dBuV/m signal strength and the distance to the F(50,90) curve. See § 73.625 of this chapter.

[63 FR 58651, Nov. 2, 1998, as amended at 65 FR 53646, Sept. 5, 2000; 69 FR 59536, Oct. 4, 2004; 72 FR 67577, Nov. 29, 2007]

§ 90.547 Narrowband Interoperability channel capability requirement.

(a) Except as noted in this section, mobile and portable transmitters operating on narrowband channels in the 769–775 MHz and 799–805 MHz frequency

bands must be capable of operating on all of the designated nationwide narrowband Interoperability channels pursuant to the standards specified in this part.

(1) Mobile and portable transmitters that are designed to operate only on the Low Power Channels specified in § 90.531 (b)(3) and (4) are exempt from this Interoperability channel requirement.

(2) Mobile and portable transmitters that are designed to operate only in the data mode must be capable of operation on the data Interoperability channels specified in § 90.531(b)(1)(i); but need not be capable of voice operation on other Interoperability channels.

(3) Mobile and portable transmitters that are designed to operate only in the voice mode do not have to operate on the data Interoperability channels specified in § 90.531(b)(1)(i).

(b) Mobile and portable transmitters designed for data are not required to be voice capable, and vice versa.

[67 FR 61005, Sept. 27, 2002, as amended at 72 FR 48863, Aug. 24, 2007]

§ 90.548 Interoperability Technical Standards.

(a) Transmitters operating on those narrowband channels in the 769–775 and 799–805 MHz band designated for interoperability (see § 90.531) shall conform to the following technical standards:

(1) Transmitters designed for voice operation shall include a 12.5 kHz bandwidth mode of operation conforming to the following standards, which are incorporated by reference: Project 25 FDMA Common Air Interface—New Technology Standards Project—Digital Radio Technical Standards, approved April 15, 1998, Telecommunications Industry Association, ANSI/TIA/EIA-102.BAAA-1998; Project 25 Vocoder Description, approved May 5, 1998, Telecommunications Industry Association, ANSI/TIA/EIA-102.BABA-1998.

(2) Transmitters designed for data transmission shall include a 12.5 kHz bandwidth mode of operation conforming to the following standards, which are incorporated by reference: Project 25 Data Overview—New Technology Standards Project—Digital Radio Technical Standards, approved

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March 3, 2000, Telecommunications Industry Association, ANSI/TIA/EIA-102.BAEA-2000; Project 25 Packet Data Specification—New Technology Standards Project—Digital Radio Technical Standards, approved March 3, 2000, Telecommunications Industry Association, ANSI/TIA/EIA-102.BAEB-2000; Project 25 Radio Control Protocol (RCP)—New Technology Standards Project—Digital Radio Technical Standards, approved March 3, 2000, Telecommunications Industry Association, ANSI/TIA/EIA-102.BAEE-2000; Project 25 FDMA Common Air Interface—New Technology Standards Project—Digital Radio Technical Standards, approved April 15, 1998, Telecommunications Industry Association, ANSI/TIA/EIA-102.BAAA-1998.

(b) The Director of the Federal Register approves these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the standards listed in this section that are incorporated by reference may be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. The standards can also be purchased from TIA/EIA, 2500 Wilson Boulevard, Arlington, VA, 22201; Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112; or the American National Standards Institute, 25 West 43rd Street, Fourth Floor, New York, NY 10036 (or via the Internet at www.ansi.org.)

[67 FR 61005, Sept. 27, 2002, as amended at 72 FR 48863, Aug. 24, 2007]

§ 90.549 Transmitter certification.

Transmitters operated in the 763–775 MHz and 793–805 MHz frequency bands must be of a type that have been authorized by the Commission under its certification procedure as required by § 90.203.

[72 FR 67577, Nov. 29, 2007]

§ 90.551 Construction requirements.

Each station authorized under this subpart to operate in the 769–775 MHz and 799–805 MHz frequency bands must be constructed and placed into operation within 12 months from the date of grant of the authorization, except for State channels. However, licensees may request a longer construction period, up to but not exceeding 5 years, pursuant to § 90.155(b). State channels are subject to the build-out requirements in § 90.529.

[72 FR 48863, Aug. 24, 2007]

§ 90.553 Encryption.

(a) Encryption is permitted on all but the two nationwide Interoperability calling channels. Radios employing encryption must have a readily accessible switch or other readily accessible control that permits the radio user to disable encryption.

(b) If Encryption is employed then the following encryption protocol must be used: Project 25 DES Encryption Protocol, approved January 23, 2001, Telecommunications Industry Association, ANSI/TIA/EIA-102.AAAA-A-2001.

(c) The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the standard listed in this section that are incorporated by reference may be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. The standard can also be purchased from TIA/EIA, 2500 Wilson Boulevard, Arlington, VA, 22201; Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112; or the American National Standards Institute, 25 West 43rd Street, Fourth Floor, New York, NY 10036 (or via the Internet at www.ansi.org.)

[66 FR 10636, Feb. 16, 2001, as amended at 67 FR 61006, Sept. 26, 2002]

§ 90.555 Information exchange.

(a) *Prior notification.* Public safety licensees authorized to operate in the 763–775 MHz and 793–805 MHz bands may notify any licensee authorized to operate in the 746–757, 758–763, 776–787, or 788–793 MHz bands that they wish to receive prior notification of the activation or modification of the licensee's base or fixed stations in their area. Thereafter, the 746–757, 758–763, 776–787, or 788–793 MHz band licensee must provide the following information to the public safety licensee at least 10 business days before a new base or fixed station is activated or an existing base or fixed station is modified:

- (1) Location;
- (2) Effective radiated power;
- (3) Antenna height; and
- (4) Channels available for use.

(b) *Purpose of prior notification.* The prior coordination of base or fixed stations is for informational purposes only. Public safety licensees are not afforded the right to accept or reject the activation of a proposed base or fixed station or to unilaterally require changes in its operating parameters. The principal purposes of notification are to:

- (1) Allow a public safety licensee to advise the 746–757, 758–763, 776–787, or 788–793 MHz band licensee whether it believes a proposed base or fixed station will generate unacceptable interference;
- (2) Permit 746–757, 758–763, 776–787, and 788–793 MHz band licensees to make voluntary changes in base or fixed station parameters when a public safety licensee alerts them to possible interference; and,
- (3) Rapidly identify the source if interference is encountered when the base or fixed station is activated.

(c) *Public Safety Information Exchange.*

(1) Upon request by a 746–757, 758–763, 776–787, or 788–793 MHz band licensee, public safety licensees authorized to operate radio systems in the 763–775 and 793–805 MHz bands shall provide the operating parameters of their radio system to the 746–757, 758–763, 776–787, or 788–793 MHz band licensee.

(2) Public safety licensees who perform the information exchange described in this section must notify the appropriate 746–757, 758–763, 776–787, or

788–793 MHz band licensees prior to any technical changes to their radio system.

[72 FR 27713, May 16, 2007, as amended at 72 FR 67578, Nov. 29, 2007]

Subpart S—Regulations Governing Licensing and Use of Frequencies in the 806–824, 851–869, 896–901, and 935–940 MHz Bands

§ 90.601 Scope.

This subpart sets out the regulations governing the licensing and operations of all systems operating in the 806–824/851–869 MHz and 896–901/935–940 MHz bands. It includes eligibility requirements, and operational and technical standards for stations licensed in these bands. It also supplements the rules regarding application procedures contained in part 1, subpart F of this chapter. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern with respect to licensing and operation in these frequency bands.

[63 FR 68967, Dec. 14, 1998]

APPLICATION FOR AUTHORIZATIONS

§ 90.603 Eligibility.

The following persons are eligible for licensing in the 806–824 MHz, 851–869 MHz, 896–901 MHz, and 935–940 MHz Bands.

(a) Any person eligible for licensing under subparts B, C, D, or E of this part.

(b) Any person proposing to provide communications service to any person eligible for licensing under subparts B or C of this part on a not-for-profit, cost-shared basis.

(c) Any person eligible under this part and proposing to provide on a commercial basis base station ancillary facilities as a Specialized Mobile Radio Service System operator, for the use of individuals, federal government agencies and persons eligible for licensing under subparts B or C of this part.

[47 FR 41032, Sept. 16, 1982, as amended at 53 FR 1025, Jan. 15, 1988; 60 FR 15495, Mar. 24, 1995; 62 FR 18934, Apr. 17, 1997]